

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|---|---|---|
| Applicant's or agent's file reference<br><b>8408</b>  | <b>FOR FURTHER ACTION</b>                                       | See Form PCT/IPEA/416                               |
| International application No.<br><b>PCT/EP2004/000416</b>   | International filing date (day/month/year)<br><b>15.01.2004</b> | Priority date (day/month/year)<br><b>24.01.2003</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>B41F 33/00</b> |   |   |
| Applicant<br><b>WINDMÖLLER &amp; HÖLSCHER KG</b>  |   |   |

|   |  |
|---|--|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.  |  |
| 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  |  |
| 3. This report is also accompanied by ANNEXES, comprising:<br>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:<br><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).<br><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.<br>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))<br><br>_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |  |
| 4. This report contains indications relating to the following items:<br><input checked="" type="checkbox"/> Box No. I Basis of the report<br><input type="checkbox"/> Box No. II Priority<br><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability<br><input type="checkbox"/> Box No. IV Lack of unity of invention<br><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement<br><input type="checkbox"/> Box No. VI Certain documents cited<br><input type="checkbox"/> Box No. VII Certain defects in the international application<br><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application   |  |

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|--|--|
| Date of submission of the demand<br><b>28-05-2004</b>          | Date of completion of this report<br><b>09-06-2005</b> |
| Name and mailing address of the IPEA/<br><br><br>Facsimile No. | Authorized officer<br><br><br>Telephone No.            |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000416

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 4-7 \_\_\_\_\_ as originally filed/furnished
- pages\* 1-3 \_\_\_\_\_ received by this Authority on 8.11.04 with letter of 4.11.04
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-6 \_\_\_\_\_ received by this Authority on 8.11.04 with letter of 4.11.04
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/2-2/2 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000416

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)

Claims 1-6

YES

Claims

NO

Inventive step (IS)

Claims 1-6

YES

Claims

NO

Industrial applicability (IA)

Claims 1-6

YES

Claims

NO

## 2. Citations and explanations (Rule 70.7)

Closest prior art is DE-A-4413735. Said document discloses a method for the adjustment of the printed image of a rotary printing press, and the rotary printing press itself suitable for this purpose, as per the features in the preamble of claims 1 and 5 respectively.

The subject matter of claims 1 and 5 differs therefrom by virtue of the characterising part of said claims, namely that, in the event of variations in the print speed, the control unit generates further actuating signals, on the basis of which the actuators select the roll positions initially according to the print speed.

The subject matter of claims 1 and 5 is therefore novel (PCT Article 33(2)).

The problem solved by the features of claims 1 and 6 can be considered that of providing a method and device by which the fluctuations in the colour intensity of the printed image transferred are minimised.

The subject matter comprising the features of claims 1 and 5 is not suggested for the stated purpose by the

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
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known documents either on their own or in combination.

Claims 1 and 5 therefore involve an inventive step and, together with the advantageous developments of dependent claims 2-4 and 6, satisfy the requirements of PCT Article 33(1) to (4).

**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1.      According to independent claims 1 and 5, the selection of the roll position according to the print speed is a requirement of the present invention. The optional expression "can" in line 18 on page 3 of the description does not therefore support the subject matter of the present claims and thus does not meet the requirement of PCT Article 6.
  
2.      The document DE10145925 referred to on pages 2 and 3 of the description relates to subject matter not of the type in question. If this was intended to equate to the document DE10145957 cited at the beginning of the description, this should have been stated.